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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,881	04/12/2004	Shih-Chieh Tang	TANG3013/EM	2483
23364	7590	09/20/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			FINEMAN, LEE A	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/821,881	TANG, SHIH-CHIEH	
	Examiner	Art Unit	
	Lee Fineman	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/12/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Shibasaki, US 5,280,384.

Shibasaki discloses a light diffuser (fig. 2) having a light diffusion layer comprising: a glass substrate (1) consisting of a first surface and a second surface corresponding to the first surface (fig. 2), and a diffusion particle layer (2) including macromolecular compound and a plurality of diffusion particles dispersed therein (column 2, lines 63-66), the diffusion particle layer is attached to either of the first surface or the second surface of the glass substrate (fig. 2 and column 5, lines 5-8); the diffusion particles having a relative refractive index with respect to that of the glass substrate so as to refract light an appropriated angle (column 2, lines 59-62); wherein light can enter either of the first surface or the second surface of the glass substrate, and passes through the diffusion particle layer to generate a diffused light (fig. 2 and column 5, lines 5-8); and wherein the diffusion particle layer (2) is made of macromolecular compounds initially coating on the glass substrate (fig.2).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibasaki in view of Thornburg, US 4,118,112.

Shibasaki disclosed the claimed invention but is silent to the type of glass substrate used in the microscope slide light diffuser. Thornburg teaches in column 3, line 48 that borosilicate glass is a common type of glass for a microscope slide. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the glass substrate of Shibasaki be made of borosilicate glass as suggested by Thornburg as it is a reliable, commonly available type of microscope slide.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibasaki in view of Vance, US 5,781,344.

Shibasaki disclosed the claimed invention except for wherein the diffusion particles have a predetermined diameter and configuration; wherein the diffusion particle layer consists of a single row of the diffusion particles and wherein the diffusion particles employ an electrostatic induction method that the macromolecular compound disposed on the glass substrate attracts the electrostatic charged particles. Vance discloses a light filter/light diffuser system that includes a transparent substrate (12) and a single diffusion particle layer including a plurality of diffusion

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particles (14) dispersed therein (fig. 5A) wherein the diffusion particles have a predetermined diameter and configuration (fig. 5A) and wherein the diffusion particles employ an electrostatic induction method that the binder compound disposed on the glass substrate attracts the electrostatic charged particles (column 6, lines 43-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the diffusion particle layer of Shibasaki a single diffusion particle layer having a predetermined diameter and configuration and employ an electrostatic induction method as suggested by Vance to be able to more precisely control the light transmitting characteristics of the light diffuser (Vance, column 2, lines 22-33).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (571) 272-2313. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LAF  
September 19, 2005

  
MARK A. ROBINSON  
PRIMARY EXAMINER